

December 10, 2010

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

EX PARTE NOTICE

Re: Preserving the Open Internet, WC Dkt. No. 09-191

Dear Ms. Dortch:

On December 9, 2010, Melissa Newman, on behalf of Qwest, and I, on behalf of CenturyLink, met with Angela Kronenberg in the office of Commissioner Clyburn. We explained that broadband markets do not need more regulation. The Commission's pro-market, de-regulatory approach to broadband has been in effect with great success for the past decade. Indeed, this rulemaking has been more about proposed rules seeking justification rather than a response to any actual harm or need for rules.

CenturyLink and Qwest also explained that, whatever approach the Commission takes, parity between competitors is essential—all broadband providers must play by the same rules as a matter of basic economics. Conversely, specialized services should not be swept into the debate as they deliver specific functionalities that customers seek in *addition* to rather than instead of using Internet access service. Disparity in legal rights and obligations for substitutable services will inevitably skew the market away from the most efficient and productive allocation of resources. Indeed, there also must be regulatory balance across the broadband ecosystem; the rules should not favor producers over distributors as many propose today.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this notice is being filed in the above-referenced dockets. Please contact me if you have any questions.

Sincerely,



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cc: Angela Kronenberg